

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 95-72

September 13, 1995

TO : All Regional Directors, Officers-in-Charge
and Resident Officers

FROM : B. Allan Benson, Acting Associate General Counsel

SUBJECT: Cases Involving United Parcel Service, Inc.

In United Parcel Service, Inc., 318 NLRB No. 97 (August 25, 1995) the Board announced its decision to continue to assert jurisdiction over the Employer notwithstanding claims by the Employer that it is subject to the jurisdiction of the Railway Labor Act administered by the National Mediation Board. Since early 1993, the Employer has asserted its jurisdictional claim whenever charged with unfair labor practice violations or involved in a representation case.

In the face of the Employer's jurisdictional claims, cases involving United Parcel Service, Inc., (UPS) have been subject to national coordination, (see Memorandum OM 95-36, "Cases Currently Being Coordinated by the Division of Operations-Management," dated April 28, 1995). Charges and petitions in which UPS is involved were processed up to, but not including, hearing to avoid relitigation of the jurisdictional issue. Now that the Board has resolved that issue, however, Regions should resume case processing. Accordingly, notices of hearing should issue on outstanding unfair labor practice complaints in the absence of settlement and normal case processing should resume on representation petitions.

Any questions concerning this matter should be directed to Assistant General Counsel Richard A. Siegel or to me.

B. A. B.

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